REMARKS

In accordance with the foregoing, claim 12 is amended. No new matter believed to be added. Claims 28 is cancelled. Claims 12-27, 29 and 30 are pending and under consideration.

CLAIM REJECTIONS UNDER 35 U.S.C. §102 AND §103

Claims 12, 13, 24-27, 29 and 30 are rejected under 35 USC §102(e) as allegedly being anticipated by U.S. Patent Application No. 2005/0239460 A1 to Kroth et al. (hereinafter "Kroth").

Independent claim 12 is amended herewith to clarify the claimed subject matter. The claim amendments are supported by the originally filed application.

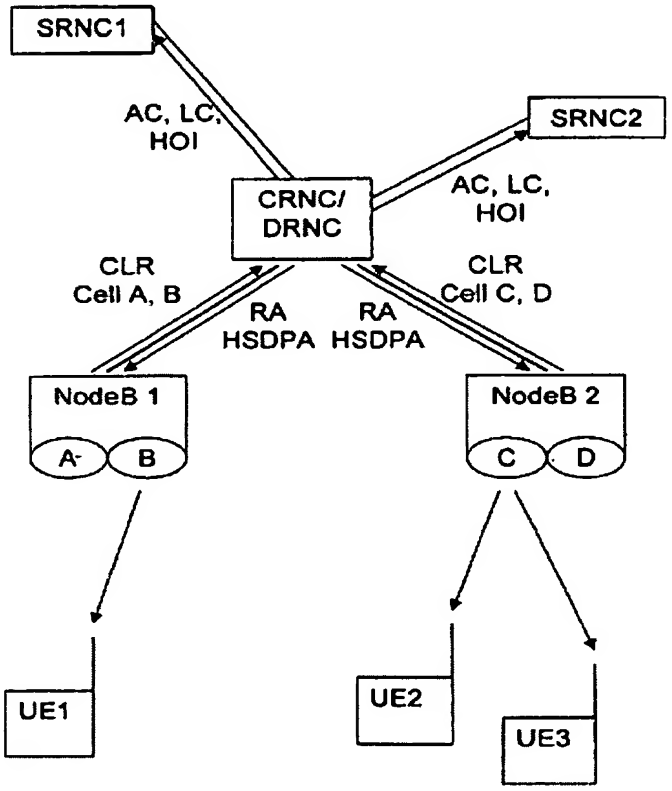
Kroth does not anticipate "transmitting from the base station a first message to a controlling radio network controller allocated to the base station when the measurements show that the transmission quality does not meet a first defined criterion, the first message containing information about the transmission quality and an identifier of at least one particular subscriber station for which the measurements indicated that the transmission quality meets a second criterion" as recited in amended claim 12.

The cell load transmitted in Kroth from the base station to the CRNC is not information about the at least one particular subscriber station for which the measurements indicated that the transmission quality meets a second criterion. The cell load is a general parameter of a cell for all the subscriber stations in it. The cell load is used by the CRNC to plan and control resources in a cell as a whole. It does not contain information on an individual and particular subscriber station, especially not the identity of a particular subscriber station which has low transmission quality and fulfills a second criterion. This information could e.g. be used by the CRNC to identify and ban a particular subscriber station from a cell.

Additionally, Kroth does not anticipate "making measurements of transmission quality of the common channel for each of the subscriber station, available in the base station" as recited in claim 12. The Office Action cites relative to this operation lines 6-7 in paragraph [0027] of Kroth. Therein Kroth states:

> This planning and assignment of resources can be undertaken by the base stations on the basis of values for the transmission quality or Quality of Service (QoS) for specific current applications in the cell, on the basis of the data rates at the radio interface and/or on the basis of the interference and load situation in the relevant radio cell at that moment. (Emphasis added.)

However, the data rates and load situation in the radio cells are general parameters applicable for the whole cell or a certain application. They are not the same as measurements of the transmission quality for each of the subscriber station, which is an individual parameter for a particular subscriber station. As illustrated in FIG. 1 of Kroth (reproduced below), cells A, B, C, D are units of physical resources which the base station allocates to one or more users (UE1, UE2, UE3).



At least for these reasons, amended independent claim 12 patentably distinguishes over the cited prior art.

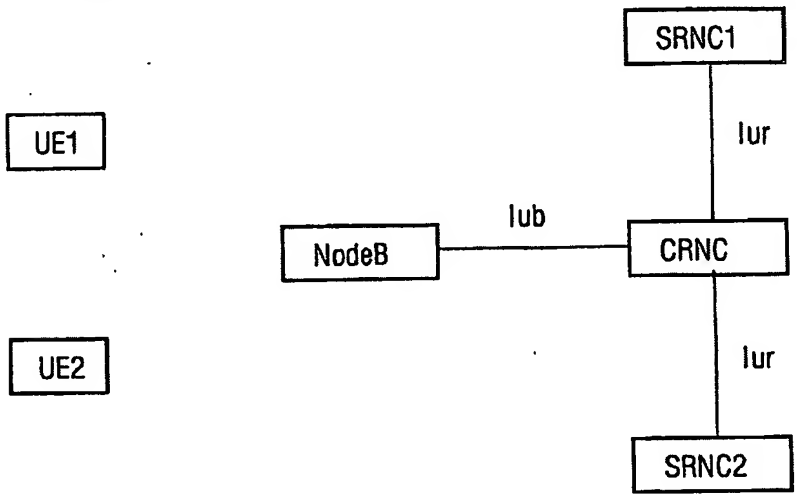
Claims 14-23 are rejected under 35 USC §103(a) as allegedly being unpatentable over Kroth, in view of WO 02/01897 to Ghosh (hereinafter "Ghosh"). Ghosh does not correct or compensate for the above-identified failure of Kroth to anticipate all the features of independent claim 12.

Claims 13-27 are patentable at least by inheriting patentable features from independent claim 12 from which they depend.

The dependent claims also recite additional patentably distinguishing features.

Relative to claim 15, Kroth and Ghosh do not render obvious at least "transmitting a second message from the controlling radio network controller to the serving radio network controller allocated to each of the at least one particular subscriber station." That is, only the serving radio network controller allocated to each of the at least one particular subscriber station whose measured transmission quality does not meet the second criterion receives the second message.

FIG 1



For example, referring to FIG. 1 in the application, if UE1 is the station whose measured transmission quality does not meet the defined criterion, the first message (Iub) is transmitted by the base station NodeB to CRNC. However, only SNRC1 which is the serving radio network controller corresponding to UE1, receives the second message (Iur). Therefore, the features recited in claim 15 are not obvious and appears to be are misinterpreted by the Office Action.

For example, claim 18 patentably distinguishes by reciting that the first message include "how many of the subscriber stations for which the transmission quality was bad." The Office Action alleges the number of acknowledgements is equivalent to the number of subscriber stations. This is not correct, since the number of ACK is measured not individually for the UEs but for the whole cell. And a certain number of ACKs could mean 10 very bad UEs or 20 medium quality UEs or 40 good quality UE.

Claim 19 further distinguishes over the prior art by reciting that "the second message contains the name of each of the at least one particular subscriber station." The Office Action alleges that this feature is inherent. However, in Kroth only global cell loads are reported and not loads of individual subscriber stations. So Kroth does not transmit names or identities of

particular subscriber stations.

Independent claim 29 patentably distinguishes over the prior art at least by reciting "wherein a base station sends a first message to the controlling radio network controller when a measured transmission quality of at least one of the plurality of subscriber stations exchanging data with the base station does not meet a defined criterion, the first message containing information about the transmission quality and about the at least one subscriber station."

In Kroth, a transmission quality of each of the subscriber stations exchanging data with the base station is not measured. Therefore, in Kroth it cannot be determined when "measured transmission quality of at least one of the plurality of subscriber stations exchanging data with the base station does not meet a defined criterion." Further, the cell load information transmitted in Kroth from the base station (e.g. node B or node A) is parameter of the whole cell and is not the same as information about the at least one particular subscriber station in a cell whose measured transmission quality does not meet a defined criterion.

At least for these reasons, claim 29 and claim 30 depending from claim 29 patentably distinguish over the prior art.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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